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From: Rimell, Sam
Sent: Monday, August 20, 2007 1:31 PM
To: Markush.Comments
Subject:

Markush type claims may or may not present an additional search burden when independent inventions are presented as the groupings. It depends upon the particular art involved and the actual content of the groupings. For example, the independent groupings may be notoriously well known in the art or standards in the art which present no real additional search burden to locate. In cases where the independent groupings are not notoriously well known or are not otherwise known standards, there could be a substantial additional search burden placed on the examiner.

Intra-claim restriction requirements are the only logical solution to those situations where the additional search burden exists. However, examiners should be given the broadest discretion in deciding whether or not to apply such requirements, based on the examiner's particular art and the actual content of the groupings.

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